IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 51 OF 2003

Smt. Maria Sacramenta T.Carvalho. ... Petitioner.

vs.

Smt. Adeliade Antao & ors. ... Respondents.

WITH

WRIT PETITION NO. 60 OF 2003

Smt. Autia Idubar Arcangela
Rita Carvalho. ... Petitioner.

vs.

Smt.Adelaide Antao & ors. ... Respondents.

Mr. F.M. Reis for the petitioner.

Mr. Sudin Usgaonkar with Ms.R. Kamath for
respondent Nos. 1 to 4.

CORAM : V.C.DAGA, J.

DATED : 24th August 2006.

P.C. :

Heard Counsel for the parties.

2. During the course of hearing, both parties agreed that cause of action to proceed with these petitions does not survive as both the petitions are rendered infructuous . However, both of them submit that considering legal questions involved in these petitions reading as under, be kept open.

> (1) That on the Indian Easements Act coming into force the corresponding provisions of Portuguese Law are deemed to be replaced;
>
> (2) Considering the language of the section itself it applies to buildings already existing and not to new buildings which are being put up.

3. Considering the submission made both the petitions are disposed of for want of cause of action keeping the above questions open for adjudication in appropriate case. Both the petitions are disposed of as infructuous with no order as to costs.

(V.C. DAGA, J.)